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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/625,297 | 07/22/2003 | Mitchell Cecil Hand | | 7885 |
| 41131 | 7590 | 04/13/2005 | | |
| KENNETH EARL DARNELL 2010 WEST SEVENTH STREET COFFEYVILLE, KS 67337 | | | EXAMINER | |
| | | | ZEADE, BERTRAND | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2875 | |

DATE MAILED: 04/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | |
|------------------------------|----------------------------|----------------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 10/625,297 | HAND, MITCHELL CECIL |
| | Examiner Bertrand Zeade | Art Unit 2875 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 31 January 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-20 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____
- 5) Notice of Informal Patent Application (PTO-152)
 6) Other: _____

DETAILED ACTION
Response to Arguments

1. Applicant's arguments filed 01/19/05 have been fully considered but they are not persuasive.
2. Applicants argued that Kawahara does not teach pattern surfaces of a luminarie so that the luminare surfaces per se are evocative of a person, place or thing, nor Herst et al. does not teach anything more than a luminaire having fluorescent lamps. No pattern is formed on the surface of the Herst et al. luminaire.
3. In response to Applicants' arguments, Kawahara teaches on (figs 1 and 1A) decorative patterns (14 and 18). The patterns (1 and 1A) are shaped to follow a decorative pattern or to follow a decorative shape enhancing an attractive aspect or emotional response like Applicant's evocative patterns (22). Kawahara's patterns embellished with otherwise applied designs for projecting the images on the lens or object surfaces. Reference Herst et al. has been replaced by reference Felland that reads over applicant's dependent claims cited below.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.
5. Claims 1-20 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to

one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The amendment filed 01/31/05 introduces a new matter into the independent claims 1, 9 and 19. The added new matter "impervious or opaque" that is neither supported nor present in the original disclosure or specification.

6. Applicant is required to cancel the new matter in the reply to this office action.

Claim Objections

7. Claims 1, 9, 11 and 17 are objected to because of the following informalities:
The term "thing" cited in the claims above is indefinite. Appropriate correction is required.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 1, 9, 17 and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by

Kawahara (U.S.6558022).

Kawahara (6558022) discloses an illumination display system and method for creating decorative light image having:

Regarding claim 1 as shown in all (fig. 1), selecting a pattern or drawing (14/18) evocative of an association on the part of an intended user of the luminaire (10) with a person, place or thing, and forming the pattern (col. 4, line 14-15) on at least certain surfaces of the luminaire (10). The pattern (14/18) being impervious or opaque (col. 4, 27-28) to light (16) visible to the user on use of the luminaire (10) in a normally intended manner.

Regarding claim 9 as shown in all (fig. 1), surfaces visible to a user on ordinary operation of the luminaire (10), and a pattern (col. 4, line 14-15) formed on at least portions of the surfaces of the luminaire (10). The surfaces having the pattern formed thereon being impervious or opaque (col. 4, 27-28) to light. The pattern (14/18) being evocative of an association on the part of a user with a person, place or thing.

Regarding claim 17 as shown in all (fig. 1), the luminaire (10) has at least one lamp (16) and lamp holders or support structure (20) mounting the lamp (16). The lamp (16) holders (20) being colored a color reminiscent or paint of an activity association with the pattern (col. 5, lines 65-67).

Regarding claim 19 as shown in (fig. 1), surfaces visible to user on ordinary operation of the luminaire (10). The surfaces having the pattern (co. 4, line 14-15) formed thereon being substantially opaque (col. 4, line 227-28). The pattern being evocative of an association on the part of a user with a person, place or thing.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 2, 4, 8, 10-11 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kawahara ('022).

Kawahara ('022) discloses the claimed invention except for the patterns being a diamond tread. With respect to claims 2, 4, 10, 11 and 20, Kawahara ('022) teaches decorative patterns in all the figures.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use any of these patterns of Kawahara, since applicant has not disclosed that patterns solve any problem or is for a particular reason. It appears that the claimed invention would perform equally with one or another pattern and to chose one pattern over the other is an obvious aesthetic effect.

12. Claims 2-8, 10-18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kawahara (6558022) in view of Felland (U.S. 5570947).

Kawahara discloses the claimed invention except for a reflective portion.

However, Felland ('947) teaches a light fixture having:

Regarding claim 3 as shown in (figs.1-3-4), the luminaire or lamp fixture (10) is a shop or ceiling light.

Regarding claim 5 as shown in all (figs. 1, 3-4) of Felland ('947), the shop-light comprises a housing (col. 6, line 53) portion and at least one reflector portion (73).

Regarding claim 6 as shown in all (figs. 1,3-4) of Felland ('947), the housing (col. 6, line 53) portion and the reflector portion (73) are integrally formed.

Regarding claim 7 as shown in all (figs. 1, 3-4) of Felland ('947), the material comprising the housing portion (col.6, line 53) also comprises the reflector portion (73).

Regarding claim 12 as shown in all (figs. 1,3-4) of Felland ('947), the luminaire (10) is a shop or ceiling light.

Regarding claim 13 as shown in all (figs. 1,3-4) of Felland ('947), the luminaire comprises a housing portion (col. 6, line 53) and at least one reflector portion (73).

Regarding claim 14 as shown in all (figs. 1,3-4) of Felland ('947), the material comprising the housing (col.6, line 53) portion also comprises the reflector portion (73).

Regarding claim 15 as shown in all (figs. 1,34-) of Felland ('947), the housing (col. 6, line 53) portion and the reflector (73) portion are integrally formed.

Regarding claim 16 as shown in all (figs. 1,3-4) of Felland ('947), the material comprising the housing (col. 6, line 53) portion also comprises the reflector (73) portion.

It would have been obvious to one of ordinary skill in the art at the time invention was made to provide the illumination display system of Kawahara ('022) with the reflector portion taught by Felland ('947), since the reflective portion of Felland ('947), would provide an enclosure of Kawahara ('022) with at least one down light passage area, the inwardly and downwardly facing reflective surfaces shoot the light illuminate the area.

Regarding claim 18, Kawahara in view of Felland discloses the claimed invention except for a color being black.

Shemitz et al. (4006355) teaches a luminaire having an absorber such as black (col. 4, lines 3-5).

It would have been obvious to one of ordinary skill in the art at the time invention was made to provide the illumination display system of Kawahara ('022) in view of Felland with the black taught by Shemitz, since the black of Shemitz would provide the luminaire of Kawahara with light-absorbing medium such as matte black paint on metal surface or the like having a significant spatial relationship. It is best understood that by covering one side of the parabolic reflector makes the reflector to give better projection.

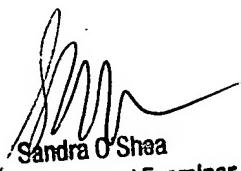
Contact Information

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bertrand Zeade whose telephone number is 571-272-2387. The examiner can normally be reached on 9:30 AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on 571-272-2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Bertrand Zeade
Examiner
Art Unit 2875



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